

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dominic Sabbia,

Civil No. 06-3083 DWF/AJB

Plaintiff,

v.

Marshall Fields,

**ORDER ON DEFENDANT'S MOTION
TO DISMISS AND PLAINTIFF'S MOTIONS
FOR DECLARATORY JUDGMENT
AND DEFAULT JUDGMENT**

Defendants.

Dominic Sabbia, *Pro Se*, Plaintiff.

Cathryn E. Albrecht, Esq., and David J. Duddleston, Esq., Jackson Lewis LLP, counsel for Defendant.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated January 31, 2007, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendant Marshall Fields' Rule 12(b)(6) Motion to Dismiss Plaintiff's Complaint (Doc. No. 41) is **GRANTED**.
2. Plaintiff Dominic Sabbia's Emergency Instantor Motion for Declaratory Judgement, Motion to Stop, and Emergency Instantor Motion for Summary Judgment (Doc. No. 10) is **DENIED AS MOOT**.

3. Plaintiff's Emergency Motion to hold Marshall Fields in Default of my Complaint and my Motions and Asses[s] Damages and Emergency Motion to hold Marshall Fields Lawyers (Jackson/Lewis) in Contempt of Court for Violating this Courts August 22nd 2006 Order (Doc. No. 27) is **DENIED AS MOOT.**

Dated: February 28, 2007

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court